

Victims' Compensation Assistance Program Advisory Council

September 14, 2017

Appoquinimink State Service Center, Middletown, DE

- **Welcome**

Introductions were made. Present at the meeting were: Abby Layton (DOJ), Paige Schmittinger (DOJ), Patty DeAngelo (Sussex County member), Kristin Froelich (Jewish Family Services), Rosemary Martinez (DVTF), Dirk Durstein (DOJ), Deb Reed (DSP VS), Patty Dailey Lewis (City of Wilmington Member), Stephanie Hamilton (VRTF), Cara Sawyer (VCAP)

- **Minutes Approval**

The meeting minutes from the last meeting were approved.

- **New Business: The order on the agenda was modified to ensure that time was allotted to vote.**

Nominations for Chair: at the last meeting the group discussed that Deb Reed would be willing to serve as the Chair of the council since Stephanie Hamilton is stepping down. The group voted and elected Deb as the chair. The group also voted and elected Patty Dailey Lewis as the Vice-Chair. Thank you Deb and Patty!

Change in Membership of VCAP Advisory Board Brian Hartman has sent in a letter to the Governor's office indicating that he will be resigning as of October 28. His seat is now open. Two other seats that remain open on the Board: a member of the medical community; and a member from Kent County. There are a few individuals who may express interest in those positions to the Governor's office. Cara will keep the Group updated on that.

Mental Health Treatment Benefits: Cara told the Council about a recent issue involving an unlicensed mental health treatment provider that led to VCAP re-thinking the way that they handle unlicensed therapists. VCAP currently does not require the Supervising Therapist to provide any information regarding the type of supervision provided to the unlicensed therapist. VCAP rules allow VCAP to pay for treatment by an unlicensed therapist, but the rule indicates that the unlicensed therapist must be practicing under the **direct supervision** of a licensed practitioner and that VCAP will decide claims for services from unlicensed providers on a case-by-case basis. VCAP would like to have a process to ensure that only providers who are receiving proper supervision are treating our victims. The group agreed that this was appropriate. Cara provided the group with a handout that listed what VCAP would like to have in the form. VCAP will work on creating something that reflects that, this will include receiving a copy of the business license of the supervisor, the license to practice and proof of insurance coverage for the unlicensed therapist.

Cara also wanted to address with the group how best to calculate payments to unlicensed providers and those who are not paneled with Medicaid or Medicare but take patients who have such insurance. Currently, when a patient who has Medicaid or Medicare sees a provider who is unlicensed or is not paneled with Medicaid or Medicare then VCAP pays 80 percent of the usual and customary rate which typically is more than Medicaid or Medicare would pay (or typically, any insurance). We discussed making a new rule regarding VCAP only paying the rate that the individual's insurance would pay. Paige and Cara will work on a draft to share with the group.

Financial Report: Cara reported on the financial situation at VCAP. The number of cases continue to rise. The fund is in good shape.

Restitution and Surcharge Information: Cara reported the numbers from the past fiscal year on restitution and surcharge.

Trends in Victims Compensation: Nothing new to report

- **Public Comment:** no public present.
- **Adjourn**

The mission of the VCAP Advisory Council is to promote the financially sound and consumer-responsive operation of Delaware's statutory victim compensation assistance program through both regulatory and informal guidance.